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**FAX TRANSMISSION****DATE:** February 26, 2007**PTO IDENTIFIER:** Application Number 10/010,942-Conf. #5594  
Patent Number**Inventor:** Curiq BASI et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras, Esq.

**PHONE:** (617) 227-7400**Attorney Dkt. #:** ELN-002**PAGES (Including Cover Sheet):** 114**CONTENTS:** Fee Transmittal (1 page)  
Transmittal (1 page)  
Petition for Reconsideration Under 37 CFR 1.703(b) and/or 1.705(c)  
Exhibits 1-17  
Certificate of Transmission (1 page)

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T-956 P.02 F-798

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Application No. (if known): 10/010,942

Attorney Docket No.: ELN-002

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36,207  
Registration Number, if applicable(617) 227-7400  
Telephone Number

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Fee Transmittal (1 page)

Transmittal (1 page)

Petition for Reconsideration Under 37 CFR 1.705(b) and/or 1.705(c)

Exhibits 1-17

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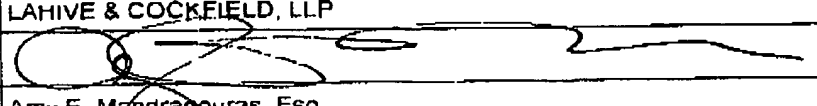
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/010,942-Conf. #5594
	Filing Date	December 6, 2001
	First Named Inventor	Guriq BASI
	Art Unit	1649
	Examiner Name	K. A. Ballard
Total Number of Pages in This Submission	Attorney Docket Number	ELN-002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)  Petition for Reconsideration Under 37 CFR 1.705(b) and/or 1.705(c); Exhibits 1-17; Certificate of Transmission under 37 CFR 1.8
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Amy E. Mandragouras, Esq		
Date	February 26, 2007	Reg. No	36,207

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 or Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460, on the date shown below.	
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T-956 P.04 F-798

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<b>Effective on 12/08/2004</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818) <b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		Application Number	10/D10,942-Conf. #5594
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 0.00		Filing Date	December 8, 2001
		First Named Inventor	Gung BASI
		Examiner Name	K. A. Ballard
		Art Unit	1649
		Attorney Docket No.	ELN-002

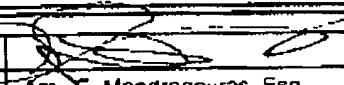
  

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify) _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number <u>12-0080</u> Deposit Account Name <u>Lahive &amp; Cockfield, LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments


  

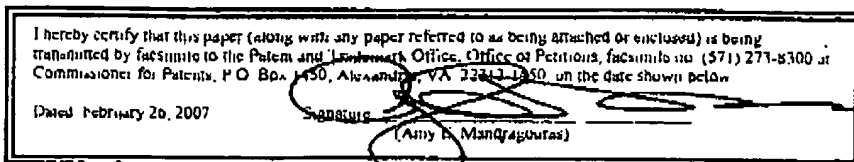
<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							<u>Small Entity</u>
							<b>Fee (\$)</b> <b>Fee (\$)</b>
Each claim over 20 (including Reissues)							50    25
Each independent claim over 3 (including Reissues)							200    100
Multiple dependent claims							360    180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>			
- 20 =	x	=		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
HP = highest number of total claims paid for, if greater than 20							
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>				
- 3 =	x	=					
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 100 =	/50	(round up to a whole number) x	=				
							<b>Fees Paid (\$)</b>
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge):				Petition for Reconsideration Under 37 CFR 1.705(b)		400.00	
				Petition for Reconsideration Under 37 CFR 1.705(c)		200.00	

<b>SUBMITTED BY</b>		<b>Registration No.</b>	<b>Telephone</b>
Signature		36,207 (Attorney/Agent)	(617) 227-7400
Name (Print Type) <u>Amy E. Mandragouras, Esq.</u>		Date	February 26, 2007

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Dated February 26, 2007	Signature  (Amy E. Mandragouras, Esq.)



Docket No.: ELN-002  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Guriq Basi *et al.*

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Application No.: 10/010942

Confirmation No.: 5594

Filed: December 6, 2001

Art Unit: 1649

For: HUMANIZED ANTIBODIES THAT  
RECOGNIZE BETA AMYLOID PEPTIDE

Examiner: Ballard, Kimberly A.

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF AN APPLICATION FOR  
PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705(b) AND/OR §1.705(c)**

Dear Sir:

Pursuant to 37 C.F.R. §1.705(b) and/or §1.705(c), Applicants hereby petition for reconsideration of the Application for Patent Term Adjustment filed on August 10, 2006 (hereinafter, "the Application") for the above-referenced patent application. This petition is timely filed within two months of the date of Decision on Application for Patent Term Adjustment dated December 26, 2006 (hereinafter "the Decision"). A copy of the Decision and the Application are filed with this petition as Exhibits 1 and 2.

In the Decision the Petitions Examiner denied Applicants' request for correction of the period of reduction of 107 days for Applicant delay under 37 C.F.R. § 1.704(b) and entry of a new period of Applicant delay of 38 days in connection with Applicants' response to the Notice to File Missing Parts mailed March 1, 2002 (See Decision on Petition, page 1, paragraph 4 to page 2, paragraph 4). The Examiner's denial of the request was on the grounds that Applicants' response to the Notice to File Missing Parts filed by Certificate of Mailing on July 1, 2002 (and date stamped on July 8, 2002) allegedly contained an omission and that the period of 69 days

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(beginning July 9, 2002 and ending September 16, 2002 with the filing of a paper correcting the omission) constituted a "failure to engage" pursuant to 37 C.F.R. § 1.704(c)(7).

As indicated by the Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" mailed August 21, 2002, the alleged omission in this case is that Applicants' response of July 1, 2002 was missing a compliant sequence disk. The Notice indicates that the computer diskette was found to be "damaged and/or unreadable." (see Exhibit 3)

Applicants respectfully request reconsideration of the Application for Patent Term Adjustment on the grounds that Applicants' response did not in fact contain an "omission" on the part of the Applicants and, further, that the period of 69 days is not a "failure to engage" by Applicants. In particular, Applicants respectfully submit that Applicants filed a fully compliant response, including a fully compliant sequence disk on July 1, 2002. The fact that the disk was subsequently found to be damaged by the USPTO was not due to any lack of due care by Applicants, but instead due to the subsequent handling and treatment of the disk by others. Based on information provided by personnel at the USPTO following inspection of the USPTO file copy of the sequence disk filed on July 1, 2002, it is Applicants' understanding that the sequence disk is visibly damaged in a manner consistent with damage caused by irradiation treatment of the disk by the United States Postal Service. As such, Applicants' reply did not have an omission and the period of adjustment set forth in §1.703 should not have been reduced by 69 days (the number of days beginning on the day after the date of the reply having the alleged omission (i.e., July 9, 2002) and ending on the date a reply correcting the omission was filed (i.e., September 16, 2002)). Evidence in support of Applicants request for reconsideration is set forth below.

I. Applicants' reply did not contain an omission as the sequence diskette of July 1, 2002 was fully compliant.

In support of their request for reconsideration, Applicants submit herewith copies of the following documents as evidence that Applicants' reply of July 1, 2002 did not contain an

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omission and that the sequence disk was compliant and any damage was due to the subsequent handling and treatment by others:

- (1) A true copy of the return postcard dated July 1, 2002, originally filed with the above-referenced sequence disk describing the papers that constituted the filing package and indicating that a "Diskette containing the computer readable form of the Sequence Listing" was enclosed with a Certificate of First Class Mailing and indicating USPTO date-stamp of July 8, 2002 (see Exhibit 4; 1 page);
- (2) A true copy of Applicants' Attorney's file copy of the diskette label affixed to an envelope containing the sequence disk mailed July 1, 2002 and indicating that the sequence disk is dated July 1, 2002 (Exhibit 5);
- (3) A true paper copy of a sequence listing generated from Applicants' Attorney's file copy the sequence diskette mailed on July 1, 2002 (Exhibit 6);
- (4) A Verification Summary Report generated by the USPTO's "Checker" software program confirming that there are no sequence errors in Applicants' Attorney's file copy of the July 1, 2002 sequence listing (Exhibit 7);
- (5) An Affidavit executed by Ms. Micaela Hill affirming that Applicants' Attorney's file copy of the sequence diskette mailed July 1, 2002 is computer-readable and that the paper copy submitted as Exhibit 6 was generated from Applicants' Attorney's file copy of said sequence diskette (Exhibit 8);
- (6) A true paper copy of a sequence listing generated from Assignees' file copy of the sequence diskette mailed on July 1, 2002 (Exhibit 9);
- (7) An Affidavit executed by Ms. Patricia Robinson affirming that Assignees' file copy of the sequence diskette mailed July 1, 2002 is computer-readable and that the paper copy submitted as Exhibit 9 was generated from Assignees' file copy of said sequence diskette (Exhibit 10);
- (8) An Affidavit executed by Debra J. Milasincic, Esq. describing Applicants' Attorney's regular practice in connection with the preparation of sequence listings and sequence diskettes (Exhibit 11);

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(9) A true copy of the return postcard dated September 16, 2002, filed in response to the Notice to Comply and describing the papers that constituted the filing package and indicating that a "Diskette containing the computer readable form of the Sequence Listing" was enclosed with a Certificate of First Class Mailing and indicating USPTO date-stamp of September 20